

PART 3470—COAL MANAGEMENT PROVISIONS AND LIMITATIONS

Subpart 3471—Coal Management Provisions and Limitations

Sec.

- 3471.1 Land description requirements.
- 3471.1–1 Land description and coal deposit in application.
- 3471.1–2 Land description in lease.
- 3471.2 Effect of land transactions.
- 3471.2–1 Disposal of land with a reservation of minerals.
- 3471.2–2 Effect of conveyance to state or local entity.
- 3471.3 Cancellation or forfeiture.
- 3471.3–1 Protection of *bona fide* purchaser.
- 3471.3–2 Sale of underlying interests.
- 3471.4 Future interest, acquired lands.

Subpart 3472—Lease Qualification Requirements

- 3472.1 Qualifications.
- 3472.1–1 Qualified applicants and bidders.
- 3472.1–2 Special leasing qualifications.
- 3472.1–3 Acreage limitations.
- 3472.2 Filing of qualification statements.
- 3472.2–1 Sole party in interest statement.
- 3472.2–2 Contents of qualification statement.
- 3472.2–3 Signature of applicant.
- 3472.2–4 Special qualifications heirs, and devisees (estates).
- 3472.2–5 Special qualifications, public bodies.

Subpart 3473—Fees, Rentals, and Royalties

- 3473.1 Payments.
- 3473.1–1 Form of remittance.
- 3473.1–2 Where submitted.
- 3473.1–3 When paid.
- 3473.2 Fees.
- 3473.2–1 General fee provisions.
- 3473.2–2 Exemptions from fee provisions.
- 3473.3 Rentals and royalties.
- 3473.3–1 Rentals.
- 3473.3–2 Royalties.
- 3473.4 Suspension of operations, production, and payment obligations.

Subpart 3474—Bonds

- 3474.1 Bonding requirements.
- 3474.2 Type of bond required.
- 3474.3 Bond conversions.
- 3474.4 Qualified sureties.
- 3474.5 Default.
- 3474.6 Termination of the period of liability.

Subpart 3475—Lease Terms

- 3475.1 Lease form.
- 3475.2 Duration of leases.
- 3475.3 Dating of leases.

- 3475.4 Land description.
- 3475.5 Diligent development and continued operation.
- 3475.6 Logical mining unit.

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Subpart 3471—Coal Management Provisions and Limitations

§ 3471.1 Land description requirements.

§ 3471.1–1 Land description and coal deposit in application.

(a) Any application for a lease, lease modification, or license to mine shall include a complete and accurate description of the lands for which the lease, lease modification, or license to mine is desired.

(b) If the land has been surveyed under the public land rectangular survey system, each application shall describe the land by legal subdivision (section, township, and range), or aliquot part thereof (but not less than 10 acres).

(c) Where protraction diagrams have been approved and the effective date has been published in the FEDERAL REGISTER, the application for land shown on such protraction diagrams and filed on or after the effective date shall contain a description of the land according to the section, township, and range shown on the approved protraction diagrams.

(d)(1) If the land has not been surveyed on the ground and is not shown on the records as covered by protraction diagrams, the application shall describe the land by metes and bounds, giving courses and distances between the successive angle points on the boundary of the tract, in cardinal directions except where the boundaries of the land are in irregular form, and connected by courses and distances to an official corner of the public land surveys. In Alaska, the description of unsurveyed land shall be connected by courses and distances to either an official corner of the public land surveys or to a triangulation station established by an agency of the United States such as the Geological Survey,

Bureau of Land Management, Interior

§ 3471.2-1

the National Oceanic and Atmospheric Administration, or the International Boundary Commission, if the record position is available to the general public.

(2)(i) If the land is acquired land in a non-public land state which has not been surveyed under the rectangular system of public land surveys, the land shall be described as in the deed or other document by which the United States acquired title to the lands or minerals.

(ii) If the land constitutes less than the entire tract acquired by the United States, it shall be described by courses and distances between successive angle points on its boundary tying by course and distance into an identifiable point listed in the description in the deed or other document by which the United States acquired title to the land.

(iii) If the description in the deed or other document by which the United States acquired title to the land does not include the courses and distance between the successive angle points on the boundary of the desired tract, the description in the application shall be expanded to include such courses and distances.

(iv) The application shall be accompanied by a map on which the land is clearly marked showing its location with respect to the administrative unit or project of which it is a part. It is not necessary to submit a map if the land has been surveyed under the rectangular system of public land surveys, and the land description can be conformed to that system.

(v) If an acquisition tract number has been assigned by the acquiring agency to the tract, a description by tract number will be accepted.

(vi) Any accreted land not described in the deed to the United States shall be described by metes and bounds, giving courses and distances between the successive angle points on the boundary of the tract, and connected by courses and distances to an angle point on the perimeter of the acquired tract to which the accretions belong.

§ 3471.1-2 Land description in lease.

(a) All unsurveyed lands in a public land survey system state shall have a cadastral survey performed at Federal

Government expense before a lease or license to mine may be issued, except for areas covered by a skeleton survey, i.e. Utah and Alaska, and the lease when issued shall be described by legal subdivision (section, township, and range), or aliquot part thereof (but no less than 10 acres).

(b) If the land is acquired land in a non-public land state, the land in the lease shall be described in the same manner provided for lease applications under § 3471.1-1(d)(2) of this title.

§ 3471.2 Effect of land transactions.

§ 3471.2-1 Disposal of land with a reservation of minerals.

(a) Where the lands included in a lease or license to mine have been or may be disposed of with reservation of the coal deposits, a lessee or the holder of a license to mine must comply fully with the law under which the reservation was made. See, among other laws, the Acts of March 3, 1909 (34 Stat. 844; 30 U.S.C. 81); June 22, 1910 (35 Stat. 583; 30 U.S.C. 83-85); December 29, 1916, as amended (39 Stat. 862; 43 U.S.C. 291-301); June 17, 1949 (63 Stat. 200); June 21, 1949 (63 Stat. 214; 30 U.S.C. 54); March 8, 1922 (42 Stat. 415; 48 U.S.C. 376-377); and October 21, 1976 (90 Stat. 2759; 43 U.S.C. 1719).

(b) Any sale or conveyance of acquired lands by the agency having jurisdiction shall be subject to any lease or license to mine previously issued under the Mineral Leasing Act for Acquired Lands.

(c) Leases on acquired lands outstanding on August 7, 1947, and covering lands subject to the Mineral Leasing Act for Acquired Lands may be exchanged for new leases to be issued under that Act.

(d) When: (1) The coal is to be mined by other than underground mining techniques, (2) the surface of the land is owned by a qualified surface owner, and (3) the lease is issued after August 3, 1977, the lessee shall comply with the terms of the written consent of the qualified surface owner not inconsistent with Federal and state mined land reclamation laws and regulations.

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